

**Middletown Zoning Board of Review June 23, 2009**

**The Middletown Zoning Board of Review was held on June 23, 2009 at 7:00 p.m. Present at this meeting were Voting board members-Chairman-Tom Silveira, Vice Chairman- Peter Van Steeden, Secretary-Lucy Levada, Tom Newman, Steve MacGillvray Alternates-1st- Frank Flanagan 2nd- Greg Schultz 3rd. Michael Potter. Town Solicitor - Michael Miller and Building Official Jack Kane.**

**A Motion was made by Peter Van Steeden and Second by Tom Newman to accept the secretary’s minutes of April 28, 2009**

**May 12, 2009**

**May 19, 2009**

**May 26, 2009**

**Motion carried 5-0**

**Continuances/Withdrawals**

- 1. Bancroft Partners-----July 28, 2009**
- 2. Eric & Cristina Offenberg-----July 28, 2009**

**Summary Cases:**

- 1. Petition of:- Paul & Linda Nunes-263 Wyatt Rd.**

**Middletown, R.I. (owners) for a variance from Sections 603, 701, & 803G- to construct a 27'6"x21' two story addition with a front yard setback of 28' where 40' is required. Said real estate is located at 263 Wyatt Rd. And further identified as lot 31 on Tax Assessor's plat 119**

**A motion was made by Tom Newman and second by Steve MacGillivray to grant the petition with the condition that it stays a one family residence .Petition granted 5-0**

### **Continued Cases:**

**1. Petition of Renaissance Development Corp. -35 Sockanosset Cross Rd. -Cranston, R.I. (Owner) for a Special Use Permit from Section 1211, Table 12-4 & 12-5 to allow a 6' round internally illuminated box cabinet sign with light background and dark graphics and a 46 sq.ft. Internally illuminated channel letter sign where 30' is allowed. Said real Estate is located at 569 West Main Rd. And further identified as Lot 32 on Tax Assessor's Plat 107 SE.**

**Janet Mathews spoke person for Berger King stated that they are looking for an opaque background sign. This sign will look opaque color during the day and at night it will be a dark background.**

**A Motion was made by Peter Van Steeden and second by Tom Newman to grant the petition because Berger King had worked with the Zoning Board to make their sign a little more attractive looking on the west Main road. Petition Granted 5-0**

### **New Cases:**

**1. Petition of William Gill-1032 East Main Rd. Middletown, R.I.-(owner) for a Special Use Permit from Sections 1601– to allow an accessory family dwelling unit. Said real estate is located at 1032 Est Main Rd. And further identified as Lot 4 on Tax Assessor’s Plat 118.**

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**Mr. Gill stated that there is already rooms on the 2nd floor but they need to put a sink in. to make an accessory dwelling.**

**A motion was made by Tom Newman and second by Steve MacGillivary to grant the petition. Petition granted 5-0**

**2. Petition of: Denise Matherne- 49 James Francis Terr.-Middletown, R.I.-(owner)- for a variance from sections 603,701,& 803g- to construct a 24' x24 attached garage with a side yard setback of 10' where 20' is required and a rear yard setback 46.8' where 50' is required. Said real estate is located at 49 James Francis Terr. And further identified as Lot 605 on Tax Assessor’s Plat 112.**

**A motion was made by Steve MacGillivary and second by Tom Newman to grant the petition. Petition granted 5-0**

**3. Petition of-Middletown Public Schools -26 Oliphant Ln. Middletown, R.I.-(owner )- for a variance from Section 1208A- to allow a sign for Middletown High School to be located off premises, five feet (5) from the edge of the pavement on Valley Road.. Said real estate is located**

at 130 Valley Rd. And further identified as Lot 114 on Tax Assessor's plat 113.

4. Petition of- Middletown Public Schools- 26 Oliphant Ln.- Middletown, R.I. (Owner) for a Special Use Permit from Article 12 ,Table 12-3- to allow a 32 sq.ft. Entry sign where 16 sq.ft. Is allowed. Said real estate is located at 130 Valley Rd. And further identified as Lot 114 on Tax Assessor's Plat 113.

Mr. David Collins Facility Director represented the school and was told by the Zoning office Jack Kane to put the sign for the foundation 5 ' from the property line. Mr. Collin took it upon himself to put the foundation and sign where he thought it was to go. The sign was obstructing the view on Valley Rd. Assistant Zoning officer told Mr. Collins to remove the foundation back to 5' to comply with the Town Ordinance before he puts the sign on. The state came down and also stated to move the sign back. Mr. Michael Wiggins an abutter on Valley Rd. Suggested to move the sign north on Valley Rd. After lengthy discussions on the foundation Mr. Collins was 3'31" over the Zoning Ordinance.

On the Special Use Permit a motion was made by Tom Newman and second by Steve MacGillivray to grant the petition and use the same 24'sign and go with the Town Ordinance with a 5' setback on the foundation. Motion granted 5-0

A motion was made by Peter Van Steeden and second by Steve

**MacGillivray to deny the Variance as the vote was passed on the Special Use. The variance petition was denied 5-0**

**A motion to adjourn was made by Steve MacGillivray and second by Tom Newman**

**Meeting adjourned 9:10**

**Respectfully submitted**

**Lucy Levada**